



1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
302 984 6000
www.potteranderson.com

Bindu A. Palapura
Partner
Attorney at Law
bpalapura@potteranderson.com
302 984-6092 Direct Phone
302 658-1192 Firm Fax

September 25, 2019

VIA ELECTRONIC-FILING

Chief Judge Leonard P. Stark
U.S. District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3556

Re: *International Business Machines Corporation v. Priceline Group Inc., et al.*,
C.A. No. 15-137-LPS

Dear Chief Judge Stark:

Pursuant to the Court's September 19, 2019 Order (D.I. 570), Plaintiff International Business Machines Corporation ("IBM") and Defendants Booking Holdings Inc. (f/k/a The Priceline Group Inc.), priceline.com LLC, KAYAK Software Corporation, and OpenTable, Inc. (collectively, "Defendants") submit the following report on the status of the above-captioned litigation.

On February 9, 2018, IBM appealed the partial final judgment pursuant to Fed. R. Civ. P. 54(b) entered by this Court based on the Court's September 18, 2017 Memorandum and Order granting summary judgment that the asserted claims of U.S. Patent No. 7,072,849 were not infringed by Defendants (D.I. 523, 524) and the Court's February 1, 2018 Memorandum Order denying IBM's motion for reconsideration of the Court's September 18, 2019 Memorandum and Order (D.I. 559). On May 22, 2019, the Federal Circuit affirmed this Court's judgment of noninfringement. (D.I. 567.) On July 22, 2019, IBM petitioned for rehearing of that decision *en banc*, which was denied on September 10, 2019. (D.I. 568.)

IBM is in the process of deciding whether to petition the Supreme Court for a Writ of Certiorari to review the Federal Circuit's decision. The deadline for IBM to file a Petition for a Writ of Certiorari is December 9, 2019, but IBM expects to be able to notify the Court of its intentions within one month from today, September 25, 2019. Therefore, the parties propose that the parties submit another joint status report on October 25, 2019.

Respectfully,

/s/ Bindu A. Palapura

Bindu A. Palapura

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)